REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 10-28 were rejected under 35 U.S.C. Section 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one of ordinary skill in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the office action makes reference to the description in claims 10 and 28 regarding a messaging service being accessible "during the execution of a video game program." However, claims 10 and 28 each refer to an application that includes both code for a video game and for a messaging service. Because it is part of the application, the messaging service can be accessible when the application (task) is executed in a non-multi-tasking mode. *See also* page 2, lines 6-15. Accordingly, withdrawal of the rejection of claims 10-28 under 35 U.S.C. Section 112, first paragraph, is respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. Section 112, second paragraph, as allegedly being indefinite. Claim 1 has been amended to address the issue identified in the office action and withdrawal of this rejection is respectfully requested. Other amendments of a formal nature have been made to improve the form of certain claims.

Claims 1-3, 5 and 7 were rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by "First Internet Backgammon Server 1994 (FIBS)." Claims 10-13, 16-18, 22 and 28 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over FIBS; claims 4, 6, 8, 9, 19-21 and 23-27 were rejected as allegedly being "obvious" over FIBS in view of Instant Messaging Guide 1996 (IMG); and claims 14 and

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15 were rejected as allegedly being obvious over FIBS in view of IMG and Best (U.S. Patent No. 5,393,073).

Applicants submit that the USPTO has failed to demonstrate that FIBS and IMG documents relied on in the office action are prior art to the claims of the subject patent application. The office action seems to suggest that the FIBS document has a publication date of 1994. However, page 4 indicates that it was revised in August 2002. Indeed, the sentence on page 4 beginning "Since 1996 ..." clearly establishes that at least part of the document was written subsequent to 1994. The FIBS document identifies 1994 as when the first graphical interfaces to FIBS appeared. There is however no evidence demonstrating that the features relied upon in the office action to reject the claims were in fact present in these 1994 interfaces. In short, the office action fails to demonstrate that the features relied upon to reject the claims constitute prior art to the subject application under 35 U.S.C. Section 102(b).

Similarly, the office action seems to suggest that the IMG document has a publication date of 1996. However, the document bears a copyright date of 2002. The IMG document identifies 1996 as the date that ICQ was created by Mirabilis. The document continues that a "number of new features" have added to the ICQ experience. Here again, there is no evidence demonstrating that the features relied upon in the office action to reject the claims are in fact prior art to the claimed invention.

In summary, because there is no evidence that the features of the FIBS and IMG documents relied upon in the office action to reject the claims are prior art to the claimed invention, the rejections should be withdrawn.
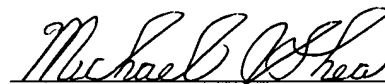
Nothing in these remarks constitutes (or should be construed to constitute)

acquiescence in the Examiner's characterizations of the FIBS and IMG documents or the

manner in which the features of these documents are alleged to correspond to the claims.

New claims 29-38 are added for the Examiner's consideration. The subject matter

of these new claims is fully supported by the original disclosure and no new matter is

added.

Prompt and favorable office action are respectfully requested.

Respectfully submitted,

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Version marked to show changes made

Claims 1-4, 6, 7 and 25-27 have been amended as follows:

1.   (Amended)   A messaging system comprising:

a web server computer; and

at least two video game systems, each _video_ game system being configured to connect to said web server computer via the Internet and to communicate status data indicative of an activity engaged in by a user thereof,

wherein said web server computer generates a session file _when a given video game system user connects thereto, the session file comprising_ [based on the] status data of the _given_ user and [the] status data of each of two or more _other video game system users identified_ [buddies] on a buddy list _defined by_ [of] the _given_ user, and

wherein the status data of the _other users_ [buddies] on the buddy list is accessible to the _given_ user even if the _given_ user and the _other users_ [buddies] are engaged in different activities.

2.   (Amended)   The system according to claim 1, wherein the status data _for each user_ further indicates _whether_ that _user_ [a buddy] is online and able to send/receive messages.

3.   (Amended)   The system according to claim 1, wherein the status data _for each user_ further indicates _whether_ that _user_ [a buddy] is online, but not able to send/receive messages.

4.　(Amended)　The system according to claim 1, wherein the status data for each user further indicates whether that user [a buddy] is online and able to send, but not receive, messages.

6.　(Amended)　The system according to claim 5, wherein each [the] user can configure the accessibility of the user's profile to other users.

7.　(Amended)　The system according to claim 5, wherein a system administrator can configure the accessibility of each [the] user's profile to other users.

25.　(Amended)　The portable memory medium according to claim 10, wherein the messaging service program code includes a preferences routine for setting a message alert to provide an alert to a [the] user when a message is received.

26.　(Amended)　The portable memory medium according to claim 10, wherein the messaging service program code includes an auto-start routine for automatically logging a [the] user into the messaging service.

27.　(Amended)　The portable memory medium according to claim 10, wherein the messaging service program code includes a start routine for logging a [the] user into the messaging service as being engaged in a particular activity on the video game system.